

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 117 OF 2018**

1.	Ranjit Vishwanath Jha	
2.	Ajit Vishwanath Jha	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr. Sudeep Pasbola with Mr. Bhavesh Thakur I/b Mr. Rahul Arote for the Applicants

Mr. A. A. Palkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 3rd APRIL, 2018

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. I-20 of 2017 registered with the Narpoli Police Station, Thane, for the alleged offences punishable under Sections 307, 323, 504, 143, 147, 148, 149 of the Indian Penal Code and Sections 3(1)(ii), 3(2) and 3(4) of the MCOC Act.

3. Learned counsel for the applicants submits that there is absolutely no evidence to connect the applicants with the alleged offence. He submits that both the injured i.e. Vijay Kamble and Navnit Jha have not named the applicants, nor have spoken about the presence of any unknown person/s. He submits that even the confessional statements recorded of co-accused Laxman Dhotre does not show the involvement of the applicants in the alleged offence.

4. Learned A.P.P does not dispute the same. Learned A.P.P has not been able to show any incriminating material pointing to the complicity of the applicants. He does not dispute the fact, that both the injured i.e. Vijay Kamble and Navnit Jha have not named the applicants.

5. Perused the papers. According to the complainant-Sunil Rajbhar, on 15th January, 2017, at about 10:45 p.m., his friend-Chandrakant Yadav called him and told him that if he wanted to play a cricket match, he should bring a fielder at Khopat, Thane. He has further stated that on 16th January, 2017 at about 1:15 a.m, he visited Bhandari Compound and called Ravi Gupta and went to 'Meet Building' in his friend's car along with

Navnit Jha. He has further stated that when he parked the car and called out to Ravi Gupta, Lucky-a resident of Devji Nagar abused him and inquired about Navnit. He has further stated that when he called Navnit, Suman Jha and Deepa Ade started abusing Navnit Jha and threatened to kill him. He has further in detail, set out the manner in which the accused assaulted Vijay Kamble and Navnit Jha. The complainant has not named the applicants in the FIR nor have the injured- Vijay Kamble and Navnit Jha disclosed their names. The confession recorded of co-accused Laxman Dhotre under the MCOC Act, also does not disclose the complicity of the applicants. Infact, learned A.P.P has not been able to point out any material to connect the applicants with the alleged offence. Merely because the applicants have some antecedents, would not be a ground to deny them bail, considering the fact that *prima facie* there is no material to connect the applicants to the incident.

6. Considering the aforesaid, it cannot be said that the applicants are guilty of the alleged offences with which they are charged. Accordingly, the application is allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first Sunday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial;

(vi) The applicant shall file an undertaking in the trial Court with regard to clauses (ii) to (v), within two weeks of his release;

(vii) If there are two consecutive defaults in appearing before the trial Court or in reporting to the concerned Police Station and if there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.